

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

FUNCTION MEDIA, L.L.C.	§	
	§	
Plaintiffs,	§	Civil Action No. 2007-CV-279
	§	
vs.	§	
	§	
GOOGLE, INC. AND YAHOO, INC.	§	
	§	
Defendants.	§	JURY TRIAL DEMANDED

**AGREED MOTION TO EXPEDITE
SUPPLEMENTAL MOTION TO COMPEL DEPOSITIONS**

Function Media respectfully requests that this Court hear this Supplemental Motion to Compel Depositions at the previously-scheduled Pretrial Conference on December 4, 2009. The issues already have been briefed in the Motion for Protective Order (Docket Numbers 120, 134, 142, and 147), and this Court already has the issue under advisement. *See* Docket Number 219. Thus, the issue here is quite discrete, and indeed Function Media has limited its Supplemental Motion to 5 pages.

Function Media and Google jointly have agreed to a schedule whereby Google will file a response two weeks from today -- by Wednesday, December 2; that both parties waive reply and surreply briefing; and that the parties request the Court to hear this issue at the Pretrial Conference on December 4, 2009.

Function Media thus requests entry of the following agreed schedule:

Opening Brief: November 18, 2009

Responsive Brief: December 2, 2009

Hearing: December 4, 2009

The parties will not file any reply or surreply briefing.

Respectfully submitted,

/s/ Justin A. Nelson

Max L. Tribble, Jr.

State Bar No. 20213950

Email: mtribble@susmangodfrey.com

SUSMAN GODFREY LLP

1000 Louisiana, Suite 5100

Houston, Texas, 77002

Telephone: (713) 651-9366

Facsimile: (713) 654-6666

Lead Attorney for Plaintiffs

OF COUNSEL:

Justin A. Nelson, State Bar No. 24034766

SUSMAN GODFREY L.L.P.

1201 Third Avenue, Suite 3800

Seattle, Washington 98101-3000

Telephone: (206) 516-3880

Facsimile: (206) 516-3883

jnselson@susmangodfrey.com

Joseph S. Grinstein, State Bar No. 24002188

Aimée Robert, State Bar No. 24046729

SUSMAN GODFREY L.L.P.

1000 Louisiana Street, Suite 5100

Houston, Texas 77002-5096

Telephone: (713) 651-9366

Fax: (713) 654-6666

Email: jgrinstein@susmangodfrey.com

Email: arobert@susmangodfrey.com

Jeremy Brandon, State Bar No. 24040563

SUSMAN GODFREY L.L.P.

Suite 5100

901 Main Street

Dallas, Texas 75202-3775

Telephone: (214) 754-1900

Fax: (214) 754-1933

Email: jbrandon@susmangodfrey.com

CERTIFICATE OF CONFERENCE

Counsel for plaintiffs have conferred with counsel for defendants about this Motion. Defendants are agreed to the schedule as proposed above and do not oppose this Motion to Expedite.

/s/ Justin A. Nelson
Justin A. Nelson

CERTIFICATE OF SERVICE

I hereby certify that the foregoing documents have been served on all counsel of record via ECF/PACER this 18th day of November, 2009.

/s/ Justin A. Nelson
Justin A. Nelson